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UNCLAS SECTION 01 OF 04 HANOI 000614

SENSITIVE
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FOR DRL A/S KRAMER FROM AMBASSADOR MICHALAK

STATE FOR EAP/MLS, DRL/AWH AND DRL/IRF

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SUBJECT: SCENESETTER FOR U.S.-VIETNAM HUMAN RIGHTS DIALOGUE

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Summary and Introduction

1. (SBU) Assistant Secretary Kramer: Mission Vietnam looks forward to welcoming you to Hanoi. Your visit is well timed to focus Vietnamese leaders on the importance we attach to human rights in strengthening and deepening our bilateral relationship in the year ahead. Overall, the U.S.-Vietnam relationship continues to broaden and mature, and the transformation of the economic, social and technological landscape continues to create new spaces for Vietnam's people to communicate their views, including the public's growing intolerance for government inertia and corruption. However, despite a general loosening of control over many aspects of life for most Vietnamese, especially when compared to past decades, the government still limits citizens' freedom of speech, assembly, movement, and association. While the government still maintains control of the organized activities of religious groups, Vietnamese citizens are generally allowed to practice their religion, and the government continues to legalize many religious congregations. The United States is viewed by the majority of Vietnamese as a key partner in Vietnam's current and future success, and our Human Rights Dialogue (HRD) is an opportunity to address our differences constructively and reinforce our view that improvement in Vietnam's human rights and governance record is in the country's own interest. End summary.

Background: Bilateral Relations Continue to Improve

2. (SBU) Vietnam's economic successes have translated into greater international clout, especially in the region. Vietnam's role as a non-permanent member of the UN Security Council has raised its international profile. Hanoi is not fully sure how to handle all the attention, but understand that the United States has - and is - playing a direct role in creating the conditions for their nation's success. Leaders here are thankful, in particular, for the key technical assistance we've given over the past seven years in reforming the system of economic governance.

3. (SBU) Challenges of course remain. GVN leaders argue that maintaining the Party's preeminent political role is critical to preserving stability. Conservatives still seek to use issues like Agent Orange, as well as other war legacy issues, to put the United States in a bad light. China remains Vietnam's critical strategic preoccupation, and this can complicate our efforts to engage in some key areas. At the same time, Vietnam's leaders also realize that the United States is an important force in maintaining a stable geopolitical environment in which even "small" countries like Vietnam are assured their independence and freedom of action. As Vietnam continues its rapid economic and social transition, many

Vietnamese view the strength of its relations with the United States as a key indicator of how much progress has been made in leaving the dark days of the 1970's and 1980's behind. For these reasons, Vietnam's leaders are committed to continued progress in bilateral relations and your interlocutors will likely speak positively and optimistically about the future of U.S.-Vietnam ties.

Engagement on Human Rights: Results

14. (SBU) In February 2006, we resumed our annual Human Rights Dialogue (HRD) with Vietnam in recognition of progress achieved in the area of religious and political freedom since the suspension of the Dialogue in 2002. After the 2006 Dialogue, the GVN released three high-profile political prisoners, allowed Mission political officers to visit certain prisons, and repealed catch-all administrative detention Decree 31. After the April 2007 HRD, there were additional prisoner releases, increased legalizations of religious organizations, and a more cooperative response to USG entreaties in areas of judicial reform and governance.

15. (SBU) In addition, in the 2006 and 2007 bilateral labor dialogues, the USG and GVN signed Letters of Understanding to renew and continue labor cooperation in areas including improving labor inspection and enforcement, and preventing and eliminating exploitative child labor and TIP in Vietnam. Moreover, Vietnam's May 13 application to the Generalized System of Preferences (GSP) should give us additional leverage to promote long-lasting reforms in Vietnam's treatment of the rights of collective bargaining and freedom of association. Ongoing USG labor and TIP advocacy helped result in the GVN's 2007 ratification of ILO Convention No. 29 outlawing forced labor and the 2007 establishment of a new anti-trafficking unit within Vietnam's Police Department Human resource development, industrial relations, expanded labor rights, and occupational health and safety are other important areas of our ongoing labor dialogues.

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16. (SBU) In my calls on leading Government of Vietnam officials and in my statements to the local and international media, I have explained that the promotion of human rights is among my top priorities for my tenure. I reiterate President Bush's message to Vietnamese President Nguyen Minh Triet in June 2007 that, in order for the United States - Vietnam relationship to progress, Vietnam will need to do more to respect human rights. We also coordinate our efforts with other like-minded countries through an Ambassadorial group that meets monthly to share views and information on human rights issues.

Challenges on Human Rights

7.(SBU) While we share common views with the GVN in many areas, differences over human rights remain, and lingering fears that the United States supports the overthrow of the current regime continue to complicate the relationship. The existence of groups, many led by overseas Vietnamese, in the United States and elsewhere that continue to explicitly advocate regime change helps generate negative charges by conservatives here which stoke a lingering paranoia that we are indeed still "the enemy." Reassuring the GVN that the USG does not support separatist groups but that it does support freedom of expression can assist in building a better human rights dialogue based on mutual trust.

18. (SBU) Serious deficiencies related to human rights in Vietnam include lack of freedom of speech, freedom of assembly and freedom of the press. One of our key objectives is to end the use of catch-all "national security" provisions such as Article 88 of the GVN criminal code, which prohibits "conducting propaganda against the State." Several prisoners on our persons of concern list have been incarcerated under Article 88, for activities that would be considered legal freedom of speech and the press in the United States. The U.S. Mission tracks approximately 50 individual cases of prisoners of conscience and activists under various forms of house arrest, surveillance, and/or harassment. We continue to call

for the release of all prisoners of conscience and freedom of peaceful expression of political views, but where we see individuals expressing their political opinions, many of our government interlocutors see "lawbreakers" trying to destabilize the regime.

¶9. (SBU) Your visit comes at a particularly interesting time for the Vietnamese media. All outlets remain under the control of the GVN but a recent case has highlighted strains within the system. On May 12, two investigative reporters of leading dailies Thanh Nien and Tuoi Tre were detained by the police for their articles on a major corruption scandal in 2006. The police allege the two abused their positions for personal gain and revealed State secrets. Media and general public response has been strongly negative against the police and other officials. While media contacts have told us that editors have been directed to stop covering the story, a number of outlets have continued to write about the arrests, and they remain a primary focus of the Vietnamese blogosphere. Journalists suggest the arrests will not hamper their coverage of corruption cases, but several have also voiced private concerns that reporters need to exercise particular caution now as this story continues to unfold. Post will continue to follow developments closely.

¶10. (SBU) Beyond this particular story and more broadly in the media, perceptible progress is, however, being made. Key Vietnamese leaders are committed to enhancing governance establishing the rule of law, and - publicly anyway - combating corruption, all critical in building guarantees of individual freedoms. Vietnam's leading newspapers are more aggressive in terms of the types of news they publish and their willingness to push back against censors. Only a few years ago, any protest resulted in swift and severe police action. Over this past year, various peaceful protests occurred involving issues such as land rights, opposition to Chinese territorial claims, and demands for the return of Catholic Church property, with one stretching out for a month before it finally ended peacefully.

¶11. (SBU) With regard to religious freedom, Vietnam has made surprising progress, in large part due to the intensive engagement of Ambassador Hanford over recent years. More needs to be done, but the country no longer qualifies as a particularly severe violator of religious freedom under our legal definition and we removed the nation from the list of countries of particular concern in late 2006.

Consequences of War

¶12. (SBU) In your meetings, you may hear references to "consequences
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of war" or "legacies of war" issues, especially given the recent U.S. Court of Appeals decision to uphold the district court dismissal of a lawsuit brought by Vietnamese citizens against American chemical companies seeking compensation for injuries due to exposure to the defoliant Agent Orange and its contaminant, dioxin. In addition to Agent Orange (AO)/dioxin, however, "legacy" issues also include unexploded ordnance (UXO) and land mines from the war era and the recovery of missing Vietnamese military personnel.

¶13. (SBU) While scientists and GVN officials continue to debate the human impact of the 80 million liters of AO sprayed over 2.6 million hectares and 3,000 hamlets in Vietnam, recent GVN-approved studies reveal that dioxin contamination is not widespread, but rather is concentrated in roughly 20 "hotspots," At or around former U.S. bases. At these bases, spillage from which Operation Ranch Hand missions, where AO was transferred, stored, and loaded have soil dioxin concentrations exceeding levels recommended by the U. S. Environmental Protection Agency (EPA) and the World Health Organization. Other areas targeted by aerial spraying do not currently have elevated concentrations of dioxin.

¶14. (SBU) Over the past few years, the United States and Vietnam have begun to cooperate on certain aspects related to AO/dioxin, which, in turn, has led to an improved tone in the government-to-government dialogue and in the Vietnamese press. Since 2001, the USG has spent over \$2 million to initiate technical

dialogues, scientific conferences on the health and environmental effects of AO/dioxin, and fund a four-year project to build the capacity of Vietnamese scientists to analyze soil samples collected at the Danang airport dioxin "hotspots." In 2007, Congress appropriated an additional USD 3 million in Economic Support Funds (ESF) for "dioxin mitigation and health activities." Mission Vietnam has met with the GVN, local officials, and several NGOs to begin implementation of this funding. U.S. engagement has encouraged several other donors to enter this area and we coordinate our efforts with those donors as part of a multilateral approach to this development issue.

¶15. (SBU) Since 1989, USAID, through support from the Patrick J. Leahy War Victims Fund (LWVF) and other sources, has provided over USD 43 million to support NGOs and private voluntary organizations to develop comprehensive programs for people with disabilities, independent of cause. In addition, since 1993 the USG has been actively involved in assisting the people of Vietnam in overcoming the social and economic impacts of remaining UXO from the war. Vietnam was formally accepted as the 37th participant in the U.S. Humanitarian De-mining Program in June 2000, and the USG is now the largest donor of humanitarian assistance for mine action programs in Vietnam. The USG has invested over USD 37 million in a broad spectrum of programs not only to locate, remove and destroy unexploded ordnance and landmines, but also to address the UXO effects on health and livelihood of Vietnamese living in affected areas.

¶16. (SBU) Today, various NGOs conduct UXO and land mine clearance, risk education and victim rehabilitation. The USG has also donated a significant quantity of equipment to the PAVN to assist efforts in UXO and landmine clearance and return land to productive use. In 2006, the State Department provided USD 3.5 million to support UXO action and demining activities in Vietnam, almost a third of which went directly to PAVN in the form of donated demining equipment. FY08, an additional USD 2.5 million will be provided to underwrite mine action related activities in Vietnam. For FY08, Congress dictated that approximately \$2.5 million be spent on demining programs, a substantial increase from the \$800,000 requested by the Administration.

What You Can Expect

¶17. (SBU) You can expect your interlocutors not only to be articulate and well informed, but also to speak in terms generally supportive of growth in the bilateral relationship. I fully expect the overall tenor to be positive, contributing to our efforts to help translate those good feelings into measurable accomplishments in our bilateral relationship.

¶18. (SBU) When confronted on directly on shortcomings in Vietnamese law regarding human rights issues, our GVN interlocutors often do not disagree directly. Rather, they may acknowledge shortcomings in the Vietnamese legal system, but note that these reflect the different stages of development in our respective countries as well as different cultural norms. They will make the point that United States standards should not be "imposed" on a developing country of Vietnam's status and per capita income.

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¶19. (U) There will be media interest in your visit, both among Vietnamese and international outlets. We are making arrangements for a press conference and, in addition to questions on the purpose of your visit and the results of your meetings, would anticipate questions on your recent dialogue in China.

¶20. (SBU) Again, we look forward to your visit and stand ready to do everything we can to make your visit to Vietnam as productive as possible.

MICHALAK